

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO.2833 OF 2005

Chandu T. Paheja ...Petitioner  
VS.  
Municipal Corporation of  
Greater Mumbai & Ors. ...Respondents

Mr.Sakhardande i/b Mr.A.V.Sankpal for the petitioner  
Ms P.A.Purandare for respondent No.2  
Ms Lambey i/b M/s.Lambey & Co. for Respondent No.3.

CORAM:H.L.GOKHALE & A.S.OKA, JJ.  
DATE : FEBRUARY 16,2006

P.C.:

1. Heard Mr.Sakhardande in support of this Petition, Ms Lambe for Respondent no.3 and Ms Purandare for Respondent no.2. The Petitioner is one of the members of the Respondent No.3-Co-operative Housing Society. He has filed his Petition pointing out that there are large number of unauthorised additions/alterations in many flats of the society as also shops. These additions and alterations have taken place in common places such as passages, terraces, car parking areas and wherever possible. The Petitioner is therefore seeking action against such violators of the law. The Petitioner is following up the matter with the second Respondent-B.M.C. and he has been sent a reply on 28th September 2005 that the building plan is not available in the office of the concerned Ward. Ms Lambe pointed out that the Petitioner himself is facing a notice from the B.M.C. for unauthorised addition.

Mr.Sakhardande states that as far as the Petitioner is concerned, he is also agreeable to any such action against him if there is any unauthorised construction made by him subject to the remedies. Ms Purandare for B.M.C. states that the Officers of B.M.C. will see to it that the plan is traced out either from the Building Department or from the Hydraulic Engineers Department. She further states that on finding the plan, necessary action will be taken against all the persons who have made addition/alteration in their premises contrary to the original building plan. In view of this statement, no further order is required. Petition is disposed of.

2. Ms Purandare states that the concerned Ward will write to the Petitioner as well to the Secretary of the third Respondent-Society as to what steps are taken on the basis of this order within a period of three weeks and also as to whether the plan is found and if found what steps are taken.

( H.L.GOKHALE, J. )

(ABHAY S.OKA, J. )